



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Anderson, Annaliesa S. et al.

Serial No. 10/564,375

Filed: January 12, 2006

For: POLYPEPTIDES FOR INDUCING A PROTECTIVE
IMMUNE RESPONSE AGAINST STAPHYLOCOCCUS
AUREUS

Art Unit: 1645

Examiner: _____

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By *Shel K* Date 9-7-06

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Sheldon O. Heber

Attorney _____ For Applicant(s)

Reg. No. 38,179

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594- 1958

Date: 9-7-00

STATEMENT BY APPLICANT

COMPLETE IF KNOWN

Sheet	1	of	2	Attorney Docket Number	21349YP
-------	---	----	---	------------------------	---------

[illegible]

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
		WO	2003/011899		University of Sheffield; Biosynexus Incorporated	02/13/2003
		WO	2002/102829		Inhibitex, Inc.; The Provost Fellows and Scholars of the College of the Holy and Undivided Trinity of Queens Elizabeth	12/27/2002
					Near Dublin; Universita Degli Studi Di Pavia	
		WO	02/094868		Chiron SRL.	11/28/2002
		WO	02/077183		Elitra Pharmaceuticals, Inc.	10/03/2002
		WO	02/059148 A3		Intercell AG	08/01/2002
		WO	02/059148 A2		Cistem Biotechnologies GMBH	08/01/2002
		WO	01/98499		University of Sheffield; Biosynexus Incorporated	12/27/2001

Date
Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 8/24/2006

Substitute for form 1449B/P

INFORMATION DISCLOSURE

STATEMENT BY APPLICANT

(use as many sheets as necessary)

COMPLETE IF KNOWN

Application Number 10/564,375
 Filing Date January 12, 2006
 First Named Inventor Anderson, Annaliesa S. et al.
 Group Art Unit 1645
 Examiner Name
 Attorney Docket Number 21349YP

Sheet 2 of 2

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Andrade, M. et al. "NEAT: a domain duplicated in genes near the components of a putative Fe3+ siderophore transporter from Gram-positive pathogenic bacteria", Genome Biology, 2002, Vol. 3, pp. 0047.1-0047.5
		Baba, T. et al. "Genome and virulence determinants of high virulence community-acquired MRSA", The Lancet, 2002, Vol. 359, pp. 1819-1827
		Etz, H. et al. "Identification of <i>in vivo</i> expressed vaccine candidate antigens from <i>Staphylococcus aureus</i> ", PNAS, 2002, Vol. 99, pp. 6573-6578
		Josefsson, E. et al. "Protection against Experimental <i>Staphylococcus aureus</i> Arthritis by Vaccination with Clumping Factor A, a Novel Virulence Determinant", The Journal of Infectious Diseases, 2001, Vol. 184, pp. 1572-1580
		Klein, J. et al. "Analysis of Aluminum Hydroxyphosphate Vaccine Adjuvants by 27A1 MAS NMR", Journal of Pharmaceutical Sciences, 2000, Vol. 89, pp. 311-321
		Kuroda, M. et al. "Whole genome sequencing of methicillin-resistant <i>Staphylococcus aureus</i> ", The Lancet, 2001, Vol. 357, pp. 1225-1240
		Mamo, W. et al. "Vaccination with <i>Staphylococcus aureus</i> fibrinogen binding proteins (FgBPs) reduces colonisation of <i>S. aureus</i> in a mouse mastitis model", FEMS Immunology and Medical Microbiology, 1994, Vol. 10, pp. 47-54
		Mazmanian, S. et al. "Passage of Heme-Iron Across the Envelope of <i>Staphylococcus aureus</i> ", Science, 2003, Vol. 299, pp. 906-909
		Mazmanian, S. et al. "Sortase-catalysed anchoring of surface proteins to the cell wall of <i>Staphylococcus aureus</i> ", Molecular Microbiology, 2001, Vol. 40, pp. 1049-1057
		Nilsson, I. et al. "Vaccination with a Recombinant Fragment of Collagen Adhesin Provides Protection against <i>Staphylococcus Aureus</i> -mediated Septic Death", J. Clin. Invest., 1998, Vol. 101, pp. 2640-2649
		Taylor, J. et al. "Transferrin binding in <i>Staphylococcus aureus</i> : involvement of a cell wall-anchored protein", Molecular Microbiology, 2002, Vol. 43, pp. 1603-1614
		Vogel, F. "Improving Vaccine Performance with Adjuvants", Clinical Infectious Diseases, 2000, Vol. 30, (Suppl 3), pp. S266-S270

Examiner Signature

Date Considered